

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 1482 - HB 1886

March 30, 2009

SUMMARY OF BILL: Creates mandatory minimum sentences for the Class A misdemeanor offense of domestic assault. First violation requires a 30-day minimum sentence, second violation requires a 90-day minimum sentence, and a third violation requires a six-month minimum sentence. Increases the penalty to a Class E felony for a fourth or subsequent violation of domestic assault.

ESTIMATED FISCAL IMPACT:

Increase State Revenue – Not Significant

Increase State Expenditures - \$2,488,400/Incarceration*

Increase Local Revenue – Not Significant

Increase Local Expenditures – \$21,629,000**

Assumptions:

- According to the Administrative Office of the Courts (AOC), there has been an average of 637 convictions of domestic assault in each of the past five years. State court convictions are 10 percent of the total convictions. Total convictions, including general sessions courts, are estimated to be an average of 6,370 per year. The Department of Correction (DOC) estimates one percent (64) are fourth or subsequent convictions and will result in a Class E felony rather than a Class A misdemeanor. One-half (3,153) of the 6,306 (6,370 – 64) Class A misdemeanors will be first time offenders and will serve a mandatory 30-day sentence. The statewide average cost for county jails is \$45.55 per offender per day. The additional operating cost for 3,153 offenders is \$4,308,574.50 (\$45.55 x 3,153 offenders x 30 days). One-third (2,081) will be second-time offenders and will serve a mandatory 90-day sentence at a cost of \$8,531,059.50 (\$45.55 x 2,081 offenders x 90 days). The remaining 1,072 will be third-time offenders and will serve a mandatory six-month sentence at a cost of \$8,789,328 (\$45.55 x 1,072 offenders x 180 days). The total additional operating cost for local government is \$21,628,962 (\$4,308,574.50 + \$8,531,059.50 + \$8,789,328).

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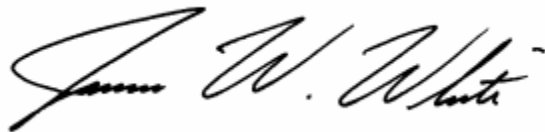
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in an additional six Class E felony offenders in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 70 offenders.
- According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80 and the average post-conviction time served for a Class E felony is 1.63 years. The cost per offender at 1.63 years is \$35,548.11 (\$59.80 x 594.45 days).
- Seventy offenders would receive a Class E felony as a result of this bill. The total additional operating cost for 70 offenders is \$2,488,367.70 (\$35,548.11 x 70).
- Based on the Fiscal Review Committee's 2008 study of incarceration costs and fines, collection of fines for felony offenses is negligible. There will not be a significant increase in state revenue as a result of this bill.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

***Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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